

HOUSE MEMORIAL 114

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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A MEMORIAL

REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION, CONGRESS,
THE PRESIDENT AND THE UNITED STATES SECRETARY OF ENERGY TO
REDUCE FEES PAID BY NUCLEAR UTILITY RATEPAYERS; REQUESTING THE
NEW MEXICO CONGRESSIONAL DELEGATION, CONGRESS AND THE PRESIDENT
TO ENACT LEGISLATION ESTABLISHING INTERIM STORAGE FACILITIES
FOR USED COMMERCIAL NUCLEAR FUEL AND CREATING AN INDEPENDENT
PANEL TO CONDUCT AN ASSESSMENT OF THE NATION'S USED FUEL AND
DEFENSE WASTE MANAGEMENT PRACTICES.

WHEREAS, the United States government has collected and
deposited into the federal nuclear waste fund more than twenty-
nine billion dollars (\$29,000,000,000) in fees and interest
from nuclear utility ratepayers pursuant to the federal Nuclear
Waste Policy Act of 1982 for the purpose of establishing a
permanent repository for the storage of used nuclear fuel from

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1 commercial reactors and defense-related high-level radioactive
2 waste; and

3 WHEREAS, the United States government failed to begin
4 accepting commercial used fuel by 1998 as required by the
5 federal Nuclear Waste Policy Act of 1982, and only in 2008 did
6 the United States department of energy submit an application to
7 the United States nuclear regulatory commission to construct a
8 permanent used fuel repository; and

9 WHEREAS, expected funding levels for permanent fuel
10 disposal in fiscal year 2009 and statements by the federal
11 administration concerning federal budgets in fiscal year 2010
12 point to continuing chronic delays for the Yucca Mountain
13 repository, if not the outright termination of the project; and

14 WHEREAS, the federal government's failure to meet its 1998
15 statutory and legal obligations to accept used fuel has led to
16 the government being found in partial breach of the contracts
17 with nuclear utility owners of the fuel leading to federal
18 taxpayer payments to the utilities of about one billion dollars
19 (\$1,000,000,000) thus far and growing; and

20 WHEREAS, in light of the federal government's failure to
21 meet its responsibility, the commercial nuclear utility
22 industry has embraced an integrated nuclear fuel management
23 program for incorporating the continued safe and secure storage
24 of used fuel at commercial plant sites; the development of
25 private or government-owned centralized interim storage

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1 facilities licensed by the United States nuclear regulatory
2 commission in communities that would host such facilities
3 voluntarily; the continued public and private sector efforts in
4 the areas of research, development and deployment of
5 technologies to recycle used fuel in a safe, environmentally
6 responsible, proliferation-resistant and commercially viable
7 way; and the continued review of the permanent repository
8 license application by the United States nuclear regulatory
9 commission and continued engagement of policymakers to ensure
10 the safety and security of whatever facilities or sites
11 ultimately are chosen for permanent disposal of the byproducts
12 of the once-through or closed nuclear fuel cycle; and

13 WHEREAS, prominent organizations, including the national
14 conference of state legislatures, the national association of
15 regulatory utility commissioners and the American legislative
16 exchange council have endorsed the immediate establishment of
17 interim fuel storage facilities licensed by the United States
18 nuclear regulatory commission in voluntary host communities and
19 continued research on recycling of fuel and other advanced fuel
20 management technologies;

21 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
22 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
23 congressional delegation, congress, President Obama and the
24 United States secretary of energy be requested to protect
25 nuclear utility ratepayers by immediately reducing the fee that

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1 sustains and overfunds the nuclear waste fund to a level that
2 will cover only the costs incurred by the United States
3 department of energy, the United States nuclear regulatory
4 commission and local Nevada government units that provide
5 oversight of the permanent used fuel repository program; and

6 BE IT FURTHER RESOLVED that the New Mexico congressional
7 delegation, congress and President Obama be requested to
8 immediately enact legislation expediting the establishment of
9 two privately developed interim storage facilities licensed by
10 the United States nuclear regulatory commission for used
11 commercial nuclear fuel, with community incentives funded by
12 the nuclear waste fund, and requiring the United States
13 department of energy to take possession of, safely transport
14 and store used fuel at these facilities and to give priority on
15 moving fuel from decommissioned plants first; and

16 BE IT FURTHER RESOLVED that the New Mexico congressional
17 delegation, congress and President Obama be requested to enact
18 legislation creating an independent panel of esteemed public
19 policy, scientific, environmental and engineering leaders that
20 would be charged with conducting a long-term strategic
21 assessment of the nation's used fuel and defense waste
22 management practices and reporting back with specific
23 recommendations on how to proceed in the future while interim
24 storage facilities are developed; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the members of the New Mexico congressional
2 delegation; the United States secretary of energy; and the
3 chief clerks of the house of representatives and the senate for
4 distribution to the appropriate committees.

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